

Appln No. 09/765,535
Amdt date June 18, 2007
Reply to Office action of January 17, 2007

REMARKS/ARGUMENTS

The above identified patent application has been amended and reconsideration and reexamination are hereby requested.

Claims 1-15 and 17-31 are now in the application. Claim 16 has been previously cancelled. Claims 30 and 31 are new. Claims 1, 2, 8, 9, 10, 17, and 21 have been amended.

Claim Rejections - 35 U.S.C. § 112

The Examiner has rejected Claims 1-11, 26, and 29 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Examiner states that Claim 1 is rejected due to the limitation "the at least one criteria" and that Claim 10 is rejected due to the limitation "the purchased products."

The Applicant has amended Claims 1 and 10 and submits that Claims 1 and 10 particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Claims Rejections - 35 U.S.C. § 102

The Examiner has rejected Claims 1-9, 12-17, and 18-29 under 35 U.S.C. § 102(e) as being anticipated by Jones et al. (US 2002/0156661).

The Applicant's amended Claim 1 includes "... determining alternative travel products to offer the user by accessing an electronic discount database based on a plurality of alternative criteria, wherein the alternative travel products are determined by automatically altering concurrently the information for a plurality of types of travel products received from the user." The Applicant submits that Jones et al. does not teach the above limitation.

Jones et al., while providing for relaxing constraints (paragraph [0057]), does not provide the above limitation. In Jones et al., constraints are relaxed separately for each type of travel product (e.g., airfare, hotel, rental cars) rather than concurrently (see paragraph [0057]). Because Jones et al. relaxes the constraints for each type of travel product separately, the calculations in

Jones et al. do not take into account hidden dependencies on what are normally independent constraints. For example, with respect to the example in paragraph [0057], constraints for restaurants, such as distance to a restaurant and food type are only disclosed as being relaxed with other constraints for restaurants. While Jones et al. mention that other parameters may be relaxed, the only example of this given is a set of parameters all related only to airline flights. Jones et al. do not disclose or suggest simultaneously relaxing constraints for two or more types of travel product. Consequently, the Jones et al. system does not take into account interrelationships between types of travel products such as length of stay that may increase hotel costs but lower airfare costs by an amount larger than the increase in hotel cost. Accordingly, the Applicant submits that Jones et al. does not teach "... automatically altering concurrently the information for a plurality of types of travel products received from the user."

Accordingly, the Applicant submits that Claim 1 is not anticipated by Jones et al. under 35 U.S.C. § 102(e).

Claims 2-11, 26, and 29 are dependent on Claim 1 and therefore include all of the limitations of Claim 1 and additional limitations therein. As such, these claims are believed allowable based upon Claim 1 and the additional limitations.

For example, the Applicant's Claim 2 includes "... displaying a total price range for all of the requested travel products" when reporting the determined alternative products. The Applicant submits that Jones et al. does not teach the above limitation.

Jones et al., while providing for separately displaying a range/price variations for a single travel product, does not provide for "displaying a total price range for all of the requested travel products." In Jones et al., Fig. 3B shows a range of prices for one particular air travel product; Fig. 5B shows the price for a car rental product; and Fig. 8D shows price alternatives for an air travel product. While Jones et al. provides separate price variations for particular products, Jones et al. does not provide for "displaying a total price range for all of the requested travel products."

Accordingly, the Applicant submits that Claim 2 is not anticipated by Jones et al. under 35 U.S.C. § 102(e).

Turning to independent claim 12, Applicant's Claim 12 includes "... selecting an alternative combination of travel products comprising at least two travel product types with a lower combined cost than the selected plurality of travel products." The Applicant submits that Jones et al. does not teach the above limitation.

In the Office action with respect to Claim 12, the Examiner merely states "As per claims 12-13, the limitations of Claims 12-13 are addressed in the rejections of claims 1 and 3-5, and incorporated herein." However, none of claims 1 and 3-5 contain the element of claim 12 quoted above. As such, the Examiner has failed to make a *prima facie* showing of anticipation under 35 U.S.C. § 102.

In any case, Jones et al., while providing for alternative travel products comprising one travel product type (see Fig. 8D, which shows alternatives for flight product), does not provide for "selecting an alternative combination of travel products comprising at least two travel product types with a lower combined cost than the selected plurality of travel products."

Accordingly, the Applicant submits that Claim 12 is not anticipated by Jones et al. under 35 U.S.C. § 102(e). Claims 13 is dependent on Claim 12 and therefore includes all of the limitations of Claim 12 and additional limitations therein. As such, this claim is believed allowable based upon Claim 12 and the additional limitations.

Turning to independent claim 14, Applicant's Claim 14 includes "... the airplane flight information, hotel information, and car rental information to the user terminal to be displayed as a single report with information on each of the plurality of types of travel products." The Applicant submits that Jones et al. does not teach the above limitation.

Jones et al., while providing airplane flight, hotel, and car rental information separately in multiple reports (e.g., Fig. 5B shows car rental report and Fig. 8D a flight report), does not provide for "the airplane flight information, hotel information, and car rental information to the user terminal to be displayed as a single report with information on each of the plurality of types of travel products."

Accordingly, the Applicant submits that Claim 14 is not anticipated by Jones et al. under 35 U.S.C. § 102(e). Claims 15 and 27 are dependent on Claim 14 and therefore include all of the

Appln No. 09/765,535
Amdt date June 18, 2007
Reply to Office action of January 17, 2007

limitations of Claim 14 and additional limitations therein. As such, these claims are believed allowable based upon Claim 14 and the additional limitations.

Turning to independent claim 17, Applicant's amended Claim 17 includes "... determining the alternative travel products to offer the user by concurrently altering the information for a plurality of types of travel products based on the plurality of search criteria." The Applicant submits that Jones et al. does not teach the above limitation.

As discussed in relation to Claim 1, Jones et al. does not provide for "determining the alternative travel products to offer the user by concurrently altering the information for a plurality of types of travel products based on the plurality of search criteria." Accordingly, the Applicant submits that Claim 17 is not anticipated by Jones et al. under 35 U.S.C. § 102(e).

Claims 18-20 are dependent on Claim 17 and therefore include all of the limitations of Claim 17 and additional limitations therein. As such, these claims are believed allowable based upon Claim 17 and the additional limitations.

Turning to independent claim 21, Applicant's amended Claim 21 includes "... accessing a second database to determine alternative travel products of a plurality of travel product types to offer the user; and generating a report to be displayed through the user interface, the report comprising the cost of alternative travel products for a plurality of travel product types to be displayed concurrently." The Applicant submits that Jones et al. does not teach the above limitation.

Jones et al., while providing for a report showing alternative travel products of a particular travel product type (Fig. 8D shows alternative travel products for flight), does not provide for "accessing a second database to determine alternative travel products of a plurality of travel product types to offer the user; and generating a report to be displayed through the user interface, the report comprising the cost of the alternative travel products to be displayed concurrently."

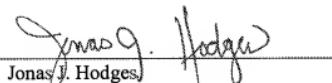
Accordingly, the Applicant submits that Claim 21 is not anticipated by Jones et al. under 35 U.S.C. § 102(e).

Appln No. 09/765,535
Amdt date June 18, 2007
Reply to Office action of January 17, 2007

Claims 22-25 and 28 are dependent on Claim 21 and therefore include all of the limitations of Claim 21 and additional limitations therein. As such, these claims are believed allowable based upon Claim 21 and the additional limitations.

Therefore, in view of the above amendment and remarks it is respectfully submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. As such, allowance of the above Application is requested. If there are any remaining issues that can be addressed over the telephone, the Examiner is cordially invited to call the Applicant's attorney at the number listed below.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By 

Jonas J. Hodges
Reg. No. 58,898
626/795-9900

JJH/clv

CLV PAS734289.2-*06/18/07 3:21 PM